IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 8192 of 2006

DATED: 6.3.2007

Between:

J.T.Appalaraju petitioner

And

The Sub Divisional Engineer (Cables-I)
11-9-2/B, Hotel Mahalakshmi Road,
Rajahmundry, East Godavari dist & 2 ors Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 8192 OF 2006

ORAL ORDER:

This writ petition is filed questioning the action of the respondents in not engaging the petitioner as casual labour and engaging his juniors as illegal and arbitrary.

The petitioner claims that he was initially employed as casual mazdoor on 1.5.1986 under the administrative control of second respondent and worked as such for a period of 1052 days. It is alleged that his services were terminated on 1-12-1993 on the ground that there was no work in the department. Questioning the said termination, petitioner filed O.A. No. 986 of 1994 and the same was disposed of on 20.11.1995 and in terms of the said orders, the petitioner was re-engaged for 10 days in September, 1996 and for 19 days in October, 1996 and again his services were retrenched. Again the petitioner approached the Administrative Tribunal by filing O.A. No. 96 of 1998 and the same was dismissed by order dated 21.6.1999. Now the grievance of the petitioner is that work is commenced in the jurisdiction second respondent from the month of February, 2006 and without considering his claim, the respondents are engaging his juniors. Hence, the present writ petition.

Heard the learned counsel for petitioner and learned standing

counsel for respondents.

The petitioner seeks the relief of re-engagement on the ground that he was earlier worked under the control of second respondent as casual mazdoor. The entitlement of the petitioner and engagement of his juniors ignoring his case are purely questions of fact and the same cannot be adjudicated by this Court, and the remedy of the petitioner is to approach the authority under the Industrial Disputes Act. Hence, the writ petition is not maintainable and accordingly the same is dismissed. However, the petitioner is at liberty to avail the remedies open to him under law. No costs.

_____

N.V.RAMANA,J

DATE: 6.3.2007
TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO 8192 of 2006

DATED: 6.3.2007